Supreme Court, U.S.
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In the

Supreme Court of United States

Richard Muzzi

Petitioner

V

United States Supreme Court; US Congress; Federal Appeals Court of the 5th Circuit; United States District Court, Eastern District of Louisiana

Respondents

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

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PETITION FOR WRIT OF CERTIORARI

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55 pp

Questions Presented for Review,

1) Does a citizen that has not been convicted of a crime have less rights to debate the constitutionality of laws than some one convicted of a crime as the rulings in this case state, indirectly contradicting your recently ruling that "The question is the debatability of the underlying constitutional claim, not the resolution of that debate." 537 U.S.____(2003) MILLER-EL *v.*COCKRELL?
2) Can a case that seeks relief by changing unconstitutional laws, rules and statutes be dismissed as federal rules of civil procedure 12(b)(6) states, for "failure to state a claim upon which relief can be granted", or be dismissed as frivolous?
3) Can the lower courts uphold and therefore create precedent that a Federal Question under 28 U.S.C 1331, Federal Rules of Civil procedure 17 (B) 1, and the ruling in So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit as well as Gully v. First National Bank, 299 U.S. 109, 112 , 113 S., 57 S.Ct. 96, 97; Smith v. Kansas City Title & Trust Co., 255 U.S. 180, 199 , 200 S., 41 S.Ct. 243, 244, 245; see BELL v. HOOD, 327 U.S. 678 (1946) are not directly indicating and enforcing United States Code Title 5 Section 702 and 703, nor conveying jurisdiction to the courts and directly denying that a partnership or other unincorporated association, which has no such capacity by the law of such state, may sue or be sued in its common name for the purpose of enforcing for or against it a substantive right

existing under the Constitution or laws of the United States?

4) Is the act of determining that a case has the misapplication of properly stated laws and or erroneous factual findings directly upholding and setting precedent that such outcomes are constitutional and equitable under the law?
5) Does being treated equal under the law mean that your case has the same right as anyone else at being denied, because of the misapplication of properly stated rule of law and or erroneous factual findings?
6) Can this court refuse is constitutional obligation to enforce its precedents on the lower courts?
7) Does refusal by this Court to enforce its precedents on the lower courts nullify those precedents?
8) If a case finishes with the misapplication of law and or erroneous factual findings is the spirit of the constitution, liberty and equal treatment under the law, upheld, when it is not an undue burden for this not to occur?
9) Does the allowing of cases to end with the misapplication of properly stated law and or erroneous factual findings not change the desired argument in this country from what the law will be to who must follow the law?
10) Can this court make rules that directly conflict with the United States Constitution as Supreme Court Rule 10 does which allows judges to not be bond to the laws of this land?

11) Can this court ignore the acknowledged procedure to amend the United States Constitution when it desires to create laws such as Supreme Court Rule 10?

12) Is the United States Supreme Court the End of Due Process as defined by the United States Constitution, which would then entail any form of due process, including arbitration, at least the right to petition the United States Supreme Court through what layers of courts or agencies are appropriate?

13) Can the United States Constitution be defined by these courts as not a binding contract between the citizens of these United States and their Government as well as between themselves?

14) Can the United States Congress break its contract with the United States people to provide as many layers of courts as are required to allow all cases to conform with the laws of this land?

15) Can the United States Congress create laws or have those laws interrupted by the courts as such, that prevent a citizen from petitioning their government for a set of grievance against contractual obligations made to them weather verbally or written by their employer through due process?

16) Can a pro se case be decided with prejudice against standing precedent when they could make a better case, were not given an opportunity to

amend their case, (even though none may be needed) and have their writings in the court not taken liberally?

17) Does the United States Congress, Supreme Court and lower courts enter into a binding contract with the citizens of these United States and are therefore liable for completing such contracts to the best of their ability, as the word equity stated in Article VI, Clause 2 indicates, and as is stated in a lesser used precedent of The Sinking Fund Cases, 99 U.S. 700 which holds any entity that enters into a contract may be sued in its common name so that they can be compelled to full fill their obligations of the given contract?

List of All Parties is contained within the caption of this case.

Table of Contents

Section	Page
Index of Authorities alphabetically arranged	VII
Statement of jurisdiction	1
Statutes in Question	2
Statement of Facts	2
A substantive right existing under the constitution is that the judicial power of the One Supreme Court extends to any and all judicial cases.	10
A substantive right existing under the constitution is that all judges are to be bound to the laws of this land and the citizens of the United States can expect all of its executive and judiciary members to take an oath so saying.	10
Supreme Court Rule 10 directly conflicts with a citizens substantive right existing under the constitution to have all judges bond to the rulings of this land.	11
Supreme Court Rule 10 is not in the spirit of the constitution.	11
The Supreme Court can not create a Rule that denies a substantive right existing under the constitution.	12

All cases involving due process of any type, be it federal, state or corporate law, have a right to proceed through due process, due process of the courts and due process through the One Supreme Court if violation of any and all rules, law, statutes, and or rulings is involved and or upheld by any due process previously.	**12**
A substantive right existing under the constitution and Congresses' obligation is that a citizen can expect as many courts as are required to exist to have their case heard and processed to completion.	**13**
The imminent denial of the civil case to dispute rules and regulations between Richard Muzzi and his former employer because of the unconstitutional laws passed by the United States Congress and or their interpretation by these courts is alone reason to defeat a judgment for dismissal as defined by So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit	**14**
Failure to grant liberty when that is the oath and responsibility of the courts, the United States Congress and our government of the people by the people, when it is not an undue burden.	**16**

Failure to take into account a person's actions when defining the damage laws, fails to grant liberty to both sides, since the actions of only one side was considered, creating more rights to one side than the other, a direct denial of liberty and equality.	**16**
Failure to grant liberty when that is the oath and responsibility of the courts, the United States Congress and our government of the people by the people.	**16**
Summary of Argument	**18**
Conclusion	**20**

Table of Cited Authorities

Authority	**Page**
28 U.S.C 43. Creation and composition of courts	**2**
28 U.S.C 1331 Federal question	**1, 2, 3**
28 U.S.C 1343 Civil rights and elective franchise	**2**
28 U.S.C 1253 Direct appeals from decisions of three-judge courts	**2**
28 U.S.C. 1254 Courts of appeals; certiorari; certified questions	**2**
29 USC 626(e).	**2**
Amendment I	**2**
Amendment V.	**2**
Any and All damage laws	**2**
Article I, Section 1.	**2**

Article I, Section 8.	**2**
Article II, Section 1.	**2**
Article III, Section 1	**2**
Article III, Section 2, Clause 1.	**2**
Article VI, Clause 2 of the U.S. Const.	**2, 23**
BELL v. HOOD, 327 U.S. 678 (1946)	**2, 7**
Castro Romero v. Becken, 256 F.3d 349, 354 n. 2 (5th Cir. 2001)	**6**
Cimarron Rules and regulations subsection 7.3.4 Official Documentation.	**10**
Federal Rules of Civil procedure 17 (B) 1	**1, 3, 4, 6**
Hurtado v. California, 110 U.S. 516,528-29 (1884)	**13, 15**
Judiciary Act of 1789	**14**
Lane v. Peña , 518 U.S. 187 (1996).	**6**
LESER v. GARNETT, 258 U.S. 130, 137 (1922)	**12**
M'CULLOCH v. STATE, 17 U.S. 316 (1819)	**8, 9, 10, 11, 12, 14, 16, 23**
MILLER-EL *v.*COCKRELL 537 U.S.___(2003)	**9**
NUOVO PIGNONE, SPA, Plaintiff-Appellee, VERSUS STORMAN ASIA M/V, ETC., ET AL., Defendants, FAGLIOLI SPA, IN PERSONAM, Defendant-Appellant. 01-31486 310 F.3d 374;2002.	**5**

POPE v. UNITED STATES, 323 U.S. 1,14 (1944)	**10**
RULE 802. HEARSAY RULE	**2**
S.E.C. v AMX, International Inc., 7 F.3d 71, 75 (5th Cir 1993)	**6**
So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit,	**1, 3, 4, 5 6, 14**
Starin *v.* New York, *115 U.S. 248, 257;*	**8**
Supreme Court Rule 10	**2, 23**
TIMOTHY D. V. Bazrowx, v Wayne Scott 97-50257 (5th cir 1998).	**7**
Title 5 Section 702 and 703	**1, 3, 4**
Title VI, the Americans with Disabilities Act	**2**
The Sinking Fund Cases, 99 U.S. 700	**2, 4**
West V Louisiana, 194 U.S. 258, 263 (1904)	**9**

See appendix for court rulings.

Statement of jurisdiction

I, Richard Muzzi request through this petition a Writ of Certiorari to this court after the United States Court of Appeals for the Fifth Circuit on January 31, 2003, granted the opposed motion "to Dismiss the appeal as frivolous". This court has jurisdiction pursuant to Title 28 U.S.C. 1254. The original case in district court was dismissed pursuant to Rule 12(b)(6) on Oct 16, 2002 with prejudice.

The Federal District Court originally had jurisdiction based on the existence of a federal question as allowed by 28 U.S.C 1331, Federal Rules of Civil procedure 17 (B) 1,[1]. As stated in the statutory text that waives sovereign immunity for the United States in Title 5 Section 702 and 703[2] which has been directly acknowledged by the courts as a waiver of sovereign immunity in So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit, Gully v. First National Bank, 299 U.S. 109, 112 , 113 S., 57 S.Ct. 96, 97; Smith v. Kansas City Title & Trust Co., 255 U.S. 180, 199 , 200 S., 41 S.Ct. 243, 244,

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[1] "Rule 17— Parties Plaintiff and Defendant; Capacity (b)Capacity to Sue or be Sued. ...except,

(1) that a partnership or other unincorporated association, which has no such capacity by the law of such state, may sue or be sued in its common name for the purpose of enforcing for or against it a substantive right existing under the Constitution or laws of the United States, "

[2] Title 5 U.S.C. Section 702. Right of review

An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. AMENDMENTS 1976 - Pub. L. 94-574 removed the defense of sovereign immunity as a bar to judicial review of Federal administrative action otherwise subject to judicial review.

245; see BELL v. HOOD, 327 U.S. 678 (1946) and in a lesser known precedent by failure of the defendants, unincorporated associations to uphold their contractual obligations as indicated in The Sinking Fund Cases, 99 U.S. 700 [2]

The petition for Writ of Certiorari was timely filed in accordance with Rule 13(1) of the Rules of the Supreme Court of the United States.

Statutes in question. See appendix for definitions 28 U.S.C 1343 Civil rights and elective franchise, 28 U.S.C 1331 Federal question, 28 U.S.C 1253 Direct appeals from decisions of three-judge courts, 28 U.S.C. 1254 Courts of appeals; certiorari; certified questions, Supreme Court Rule 10. Considerations Governing Review on Certiorari, 28 U.S.C 43. Creation and composition of courts, Rule 802. HEARSAY RULE, Any and all damage laws that do not take into consideration the actions of the plaintiff.

Constitutional provisions relied upon. Amendment I, Amendment V, Article I, Section 1, Article I, Section 8, Article II, Section 1, Article III, Section 1, Article III, Section 2, Clause 1, Article VI, Clause 2 of the U.S. Const.

Statements of facts.

The case originated because of the way the courts and the laws allowed the previous case to be handled. The previous case was Muzzi V Cimarron Software Services Inc et all, Civil Action No 99-2795 (D/4) for violations of Title VI, the Americans with Disabilities Act for discrimination and retaliation under 29 USC626(e). On September 25, 2000 the District Court

[2] If they repudiate their obligations, it is as much repudiation, with all the wrong and reproach that term implies, as it would be if the repudiator had been a State or a municipality or a citizen. (quoting The Sinking-Fund Cases, 99 U.S. 700)

granted the defendants motion for summary judgement, which was opposed by the Plaintiff. The previous case was appealed and the 5th Circuit affirmed the ruling on March 13, 2001.
Certiorari to this court, the United States Supreme court, was requested and then denied on October 1, 2001 for the previous case. Muzzi V Cimarron Software Services Inc et all. This case directly questions the laws, rules and statutes that allow asserted errors consisting of erroneous factual findings or the misapplication of a properly stated rule of law to be the end result of any case, as well as the other stated laws, rules and statutes in question.

The Federal District Court originally had jurisdiction based on the existence of a federal question as allowed by 28 U.S.C 1331"see Memorandum in opposition of motion to dismiss" which states, and Federal Rules of Civil procedure 17 (B) 1, "see Memorandum in opposition of motion to dismiss" which states the right to sue an unincorporated association for enforcing for or against a substantive right under the constitution. And as stated in the statutory text that waives sovereign immunity for the United States in Title 5 Section 702. This was presented to the district court by the Plaintiff by citing the following cases that directly shows acknowledgment of the courts recognizing this waiver of sovereign immunity in So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit. see BELL v. HOOD, 327 U.S. 678 (1946) "see Memorandum in opposition of motion to dismiss and initial pleading" Also by citing Federal Rules of Civil Procedure 17(b)(1) "see Memorandum in opposition of motion to dismiss" that directly acknowledges this statutory text.

In addition what may not be as main stream but

Does state the same thing that a failure by the defendants, unincorporated associations to uphold their contractual obligations is waiver of sovereign immunity as indicated in this courts ruling in The Sinking Fund Cases, 99 U.S. 700"see Memorandum in opposition of motion to dismiss". I do not nor could I image any one arguing that the United States Constitution is not a binding contract between the citizens of these United States, their Government and themselves. It has, by every judge of these courts, every elected official, every military personal, every citizen, every person sworn into citizenship to this country for over the last two hundred years been recognized as the One Contract that enables all other contracts to exists.

Sovereign immunity for the United States is waived in the statutory text by United States Code Title 5 Section 702 and 703 for a person adversely affected or aggrieved by an agency action within the meaning of a relevant statute, and is entitled to judicial review thereof and or injunctive relief.

Federal Rules of Civil Procedure 17(b)(1) and So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit are two ways these courts have directly recognized this type of waiver as cited to the courts in "Pleading", "Memorandum in opposition to dismiss", and "Reply to frivols motion".

The District Court has ruled against all the initial claims with prejudice, this failed to take the monetary damages and statutory questions separately as is routinely done by the courts. These courts routinely separate issues and make rulings separately on each as is done in a million cases but for the sake of completeness as done in NUOVO PIGNONE, SPA, Plaintiff-Appellee, VERSUS STORMAN ASIA M/V, ETC., ET AL., Defendants, FAGLIOLI SPA,

INPERSONAM, Defendant-Appellant. 01-31486 310 F.3d 374;2002.[3]

As So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit[4] states Richard Muzzi has a standing case. (First) Richard Muzzi received an injury in fact by having the laws ignored in his previous case, (second) by these courts rulings and their refusal to uphold the well defined laws in the previous case Muzzi V Cimarron Software Services Inc et all, Civil Action No 99-2795 (D/4). This caused Richard Muzzi to be treated differently under the laws denying him his constitutional rights as stated by the United States Constitution and these courts. (Third) Richard Muzzi is seeking to amend the laws so that others or myself do not have to be denied their liberties and gain the right to be treated equally under the laws in the future.

It is not a held requirement that the actual text and statute be stated at any point, only that it exists

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[3] We affirm the assertion of personal jurisdiction but reverse the determination that article 10(a) of the Hague Convention permits service of process by mail.NUOVO PIGNONE, SPA, Plaintiff-Appellee, VERSUS STORMAN ASIA M/V, ETC., ET AL., Defendants, FAGLIOLI SPA, IN PERSONAM, Defendant-Appellant. 01-31486 310 F.3d 374;2002.

[4] "To satisfy the standing requirement, a party must establish basic three elements. First, the plaintiff must have suffered an injury in fact. An "injury in fact" is an invasion of a legally protected interest which is both (a) concrete and particularized, and (b) actual or imminent and not conjectural or hypothetical. *Lujan v. Defenders of Wildlife*, 112 S.Ct. 2130, 2136 (1992). Second, there must be a causal connection between the injury and the conduct complained of-in other words, the injury must be traceable to the defendant and not the result of the independent action of a third party. *Id.* Third, the injury must be redressible; it must be likely, as opposed to merely speculative, that a favorable decision will redress the plaintiff's injury. *Id.* So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit

and that the courts recognize this type of waiver as was stated in the "Pleading", "Memo in opposition to dismiss" and "Reply to frivols motion" by citing Federal Rules of Civil procedure 17 (B) 1, So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit. Gully v. First National Bank, 299 U.S. 109, 112 , 113 S., 57 S.Ct. 96, 97; Smith v. Kansas City Title & Trust Co., 255 U.S. 180, 199 , 200 S., 41 S.Ct. 243, 244, 245; see BELL v. HOOD, 327 U.S. 678 (1946) as stated in *Lane v. Peña* , 518 U.S. 187 (1996).[5]

As stated in the Defendants appellee's brief a pro se's pleadings must be construed liberally. Castro Romero v. Becken, 256 F.3d 349, 354 n. 2 (5th Cir. 2001) see also S.E.C. v AMX, International Inc., 7 F.3d 71, 75 (5th Cir 1993) (recognizing the established rule that this court "must construe [a pro se plaintiff's] allegations and briefs more permissively"). Therefore since the Plaintiff has questioned the constitutionality of several federal statutes and only sought at least twenty Three dollars in damages in cynical text, intended to get the courts attention, court and attorney fees if retained as stated in initial pleading, this should be construed as minor if not ignored since I am stating as much and had no opportunity to state so before. Nor did I have the knowledge that the courts could weight ten request to amend the laws as having less weight than a request for court costs.

The District Court errors when dismissing a pro se case with prejudice without giving the Plaintiff time to amend his case and or the plaintiff knowingly; as in

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[5] The United States enjoys sovereign immunity from suit, which immunity can be waived only by act of Congress. Such waiver "must be unequivocally expressed in statutory text . . . [and] will be strictly construed, in terms of its scope, in favor of the sovereign." *Lane v. Peña* , 518 U.S. 187 (1996).

this case, can state a better case. See TIMOTHY D. V. Bazrowx, v Wayne Scott 97-50257 (5th cir 1998).[6]

As properly stated in the Initial Pleading, the Plaintiff clearly stated BELL v. HOOD, 327 U.S. 678 (1946)[7] that Jurisdiction is founded on the existence of a Federal question. This action arises under the interpretation of the Constitution of the United States any and all amendments and articles that may apply. The plaintiff contends that the interpretation of the constitution make at least the laws and rules questioned in this case unconstitutional and/or their interpretation.

According to BELL v.HOOD, 327 U.S. 678 (1946)[8],

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6 Generally a district court errs in dismissing a pro se complaint for failure to state a claim under Rule 12(b)(6) without giving the plaintiff an opportunity to amend.(4) The district court may dismiss an action on its own motion under Rule 12(b)(6) "as long as the procedure employed is fair."(5) True, the district court erred in failing to give Appellant notice of the court's intention to dismiss his suit or an opportunity to amend his complaint.(6) Such error may be ameliorated, however, if the plaintiff has alleged his best case,(7) or if the dismissal was without prejudice.(8) TIMOTHY D. V. Bazrowx, v Wayne Scott 97-50257 (5th cir 1998).

7 The right of the petitioners to recover under their complaint will be sustained if the Constitution and Laws of the United States are given one construction and will be defeated if they are given another. For this reason the district court has jurisdiction. Gully v. First National Bank, 299 U.S. 109, 112 , 113 S., 57 S.Ct. 96, 97; Smith v. Kansas City Title & Trust Co., 255 U.S. 180, 199 , 200 S., 41 S.Ct. 243, 244, 245; see BELL v. HOOD, 327 U.S. 678 (1946)

8 For to that extent "the party who brings a suit is master to decide what law he will rely upon and . . . does determine whether he will bring a 'suit arising under' the . . . [Constitution or laws] of the United States by his declaration or bill." ... Thus allegations far less specific than the ones in the complaint before us have been held adequate to show that the matter in controversy arose under the Constitution of the United States. BELL v. HOOD, 327 U.S. 678 (1946)

it is the Plaintiff who determines that he will bring a suite arising under the constitution of the United States as was very clearly stated in the initial pleading.

The Plaintiff clearly defined in the initial pleading that the Plaintiffs constitutional rights would be violated if the courts interpret the constitution in one way or up held if interpret it in another way, which clearly determines that this case arises under the constitution as stated in Starin *v.* New York, 115 U.S. 248, 257;.[9]

Because the initial case was ruled with prejudice, or heard to completion against the defendants, I will spend the rest of this brief arguing for the stated claims, since these courts have indirectly stated the federal statutes in question are constitutional and that these courts are stating to the citizens of these United States that the laws, rules and statutes of this land can and will be ignored by these courts based on arbitrary unknown reasons in direct conflict with the contract of the United States Constitution and directly conflicting with standing precedent in M'CULLOCH v. STATE, 17 U.S. 316 (1819)[10].

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9 The character of a case is determined by the questions involved. Osborn v. Bank of United States, 9 wheat. 737, 824. If from the questions it appears that some title, right, privilege, or immunity, on which the recovery depends, will be defeated by one construction of the Constitution or a law of the United States, or sustained by the opposite construction, the case will be one arising under the Constitution or laws of the United States, within the meaning of that term as used in the act of 1875; otherwise not. Starin *v.* New York, 115 U.S. 248, 257;.

10 'this constitution, and the laws of the United States, which shall be made in pursuance thereof,' 'shall be the supreme law of the land,' and by requiring that the members of the state legislatures, and the officers of the executive and judicial departments of the states, shall take the oath of fidelity to it. M'CULLOCH v. STATE, 17 U.S. 316, 406 (1819)

Once again it must be stated their is a hierarchical approach to the laws, and the United States Constitution which takes precedent over all laws created by the United States Congress, The United States Supreme Court and any and all states as clearly stated in M'CULLOCH v. STATE, 17 U.S. 316 (1819)[11]

It is clearly stated in Supreme court's ruling West V Louisiana, 194 U.S. 258, 263 (1904)[12] that an error by a lower court does not constitute failure to give due process, but any decision even if in error that conflicts with a specific provision of the Federal Constitution is failure to give due process as defined by this case.

This court has just told the Fifth circuit through MILLER-EL *v.*COCKRELL 537 U.S.(2003)[13] that they must not shut out debate of constitutional issues for citizens appealing convictions. How then can this court uphold that a citizen not convicted of a crime can not debate the constitutionality of the laws?

In addition this case is also about the potential suite that the plaintiff assumed would be denied in

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[11] This government is acknowledged by all, to be one of enumerated powers... that principle is now universally admitted. ... This is, we think, the unavoidable consequence of that supremacy which the constitution has declared. M'CULLOCH v. STATE, 17 U.S. 316 (1819)

[12] ...if no fundamental and absolutely all- important right were thereby denied to an accused, he still had due process of law, and could not complain to this court regarding the error, assuming, of course, that the decision did not conflict with some specific provision of the Federal Constitution. West v. Louisiana, 194 U.S. 258, 263 (1904)

[13] More fundamentally, the court was incorrect in not inquiring whether a "substantial showing of the denial of a constitutional right " had been proved, as §2253(c)(2) requires. The question is the debatability of the underlying constitutional claim, not the resolution of that debate. Cite as:537 U.S.____(2003) MILLER-EL *v.*COCKRELL

federal court against Cimarron for failure to uphold the liberty of Richard Muzzi by denying Richard Muzzi the same rights under Cimarron law[14] as other employees at Cimarron enjoyed.

A. A substantive right existing under the constitution is that the judicial power of the One Supreme Court extends to any and all judicial cases.

In proceedings before a legislative court which are judicial in nature, admit of a final judgment, and involve the performance of judicial functions and therefore the exercise of judicial power, the One Supreme Court may be vested with appellate jurisdiction as defined in Supreme Court Ruling POPE v. UNITED STATES, 323 U.S. 1,14 (1944)[15]

B. **A substantive right existing under the constitution is that all judges are to be bound to the laws of this land and the citizens of the United States can expect all of its executive and judiciary members to take an oath so saying.**

As defined in M'CULLOCH v. STATE, 17 U.S. 316, 406

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[14] "when disciplinary action is necessary, the action taken should be documented on a Disciplinary Notice to Employee form. On this form, the manager should indicate: ..
Once all signatures are obtained, a copy of the form should be given to the employee and one should be sent to the Human Resources for filing. The manager should retain the original in the Managers File." Cimarron Rules and regulations subsection 7.3.4

[15] The problem presented here is no different than if Congress had given a like direction to any district court to be followed as in other Tucker Act, 28 U.S.C.A. 41(20), cases. Its possession of non-judicial functions by direction of Congress presents no more obstacle to appellate review of its judicial determinations by this Court, than does the performance of like functions by the courts of the District of Columbia or by state courts whose exercise of judicial powerPOPE v. UNITED STATES, 323 U.S. 1,14 (1944)

(1819) a citizen can expect that all judges including Supreme Court judges presiding in their cases will be bond to the rulings of this land.

C. Supreme Court Rule 10 directly conflicts with a citizens substantive right existing under the constitution to have all judges bond to the rulings of this land.

If any judge can determine that a case was lost for this misapplication of properly stated law and or erroneous factual findings then they can determine and have determined that the judges presiding in the case including themselves are not bond to the laws of this land. They themselves acknowledged by the fact of the determination process that they do not have to be bond by the laws of this land, in effect repudiating their obligation, ignoring Article VI, Clause 2.

D. Supreme Court Rule 10 is not in the spirit of the constitution.

As clearly stated in Supreme Court ruling M'CULLOCH v. STATE, 17 U.S. 316 (1819)[16] all laws must be consistent with the letter and spirit of the constitution, if not they are unconstitutional. This would then hold that the Supreme Court's rule 10 repudiates their obligation to uphold the constitution, because it denies liberty and prevents judges from

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[16] We admit, as all must admit, that the powers of the government are limited, and that its limits are not to be transcended. But we think the sound construction of the constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional. M'CULLOCH v. STATE, 17 U.S. 316 (1819)

being bound to the laws of this land.

E. The Supreme Court can not create a Rule that denies a substantive right existing under the constitution.

The enumerated powers of the government give each branch of government only the powers it is granted. M'CULLOCH v. STATE, 17 U.S. 316 (1819). The courts have recognized these enumerated rights and that the constitution is the top part of the hierarchy of these rights. M'CULLOCH v. STATE, 17 U.S. 316 (1819)

Only an amendment to the constitution can modify a substantive right existing under it. The amendment process does not include the Supreme Court. This is clearly stated in Article Five and supreme court ruling LESER v. GARNETT, 258 U.S. 130, 137 (1922)[17]

F. All cases involving due process of any type, be it federal, state or corporate law, have a right to proceed through due process, due process of the courts and due process through the One Supreme Court if violation of any and all rules, law, statutes, and or rulings is involved and or upheld by any due process previously.

The constitution makes clear the role the United States Supreme court as the one and only Supreme Court of this land, who's power extends to all cases in law and equity. This power extends to all laws, rules and contracts. This court's jurisdiction applies to any and all laws and rulings, whether by a district court, a federal agency, a corporation's review board, an

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[17] But the function of a state Legislature in ratifying a proposed amendment to the federal Constitution, like the function of Congress in proposing the amendment, is a federal function derived from the federal Constitution; and it transcends any limitations sought to be imposed by the people of a state. LESER v. GARNETT, 258 U.S. 130, 137 (1922)

arbitrators ruling and etc. as stated in Hurtado v. California, 110 U.S. 516,528-29 (1884)[18]. There is no other finality for a case than this court's decision, other than the parties deciding not to appeal. It is assumed that for review of judgement amounts or for punishment decisions that conform to the norm that this court could refuse a case, but not for questions of the misapplication or properly stated law and or erroneous factual findings.

It seems the trend for arbitration lately has increased, but to really make a mediator work fairly and properly is to hold their work up to a better mediator. Which this court's power extends to and is the only final say in these United States. It is hard enough in this country to get a federal judge to apply the laws properly let alone a mediator who may or may not have had the experience in law and in the deceptiveness of people that a judge may have. What seems to motivate people and what I assume some people believe motivates me is a desire not to be shown up by another. It would seem appropriate that those doing arbitration would also require the same incentive. But this logic fails all the way through our system when the One Supreme Court doesn't understand how their actions effect the lower courts, because your precedents are just words unless you uphold them.

G. **A substantive right existing under the constitution and Congresses' obligation is that a citizen can expect as many courts as are**

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[18] "The real syllabus of the passage quoted is that a process of law, which is not otherwise forbidden, must be taken to be due process of law, if it can show the sanction of settled usage both in England and in this country; but it by no means follows, that nothing else can be due process of law" Hurtado v. California, 110 U.S. 516,528-29 (1884)

required to exist to have their case heard and processed to completion.

Congress has in the past created as many inferior courts and the Supreme Court as was necessary to process judicial cases and is and was their obligation under the Constitution as the Judiciary Act of 1789 confirms. They have as it is has been assumed by these courts acted in the spirit of the constitution as stated in M'CULLOCH v. STATE, 17 U.S. 316 (1819). At any time a case finishes with the misapplication of law and or erroneous factual findings the spirit of the constitution has not been upheld. Liberty has not been upheld. Congress has the obligation to create the courts in a structure that upholds the spirit of the constitution not a structure that upholds power to a few and or applies law when convenient to those it associates with. If the case load to the One Supreme Court is unreasonable and or they create rules such as Rule 10, congress should be able to assume as the rest of the nation does, that it has failed in its obligations to create as many courts as necessary to live up to the spirit of the constitution.

H. The imminent denial of the civil case to dispute rules and regulations between Richard Muzzi and his former employer because of the unconstitutional laws passed by the United States Congress and or their interpretation by these courts is alone reason to defeat a judgment for dismissal as defined by So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit

It is clearly stated in this court's ruling in So Christian v Supreme Court of Louisiana, June 14, 2001 no 99-30895, 5th Circuit how to sue an unincorporated association, by suing in its common name as was

done here. It is also clearly stated how to win such a suite. "Memo in Opposition." Denial of liberty by any due process is a federal question. 28 U.S.C. 1331. Hurtado v. California, 110 U.S. 516,528-29 (1884) opens up the question of what is law and due process to include any and all laws and rules we are subject to. It must be mentioned that cases of this nature only merits some type of damages only equal to the denied liberty, mitigated by the actions of the plaintiff, but it is still a denial of a liberty, a liberty that was original created by the defendant, and the defendant intended it to be a liberty of the plaintiff and all those that work for the defendant. It is this consistency that is the cornerstone of our very existence. From the moderate temperatures of our planet as opposed to extreme temperature swings of the other planets that are close to ours, to how our planet never waivers from its path around the sun, not even in inches. To the consistency of gravity and the environment that allowed life to first start on this planet. Such consistency allows life to continue down its path and be come more complex. It allows each person to give and get liberty and build their lives on a foundation of expectation. This expectation of consistency is the basic ingredient to evolution. This may seem foreign to the judges that have heard this case in the past, for their actions seem to indicate that they see their Freudian Darwinian place or approach to life as greasing the palms that grease theirs. This only leads to the privileged and kings of the past. I'd prefer to expect and live by the expectations I create and are given to the best of my abilities, just as we expect the laws of nature to never change once we've built our societies around them. Of course nature's laws never change just our understanding of the factors that effect it do. Which means the sun shines each day the

same for anyone else standing next to you, not because they got you appointed as a federal judge or some other arbitrary reason. The sun will never care and do its job regardless of your politics, which means the harvest grows for the pure as well as the greedy, for it is not the sun's job to sort the two, that is only the One True God's job, so I'll follow the example of the sun, and I'll see who you are or want me to think you are by your actions not your words.

I. **Failure to grant liberty when that is the oath and responsibility of the courts, the United States Congress and our government of the people by the people, when it is not an undue burden.**

As is clearly stated in M'CULLOCH v. STATE, 17 U.S. 316 (1819) any and all laws that fail to uphold the spirit of the constitution which includes liberty, is unconstitutional.

J. **Failure to take into account a person's actions when defining the damage laws, fails to grant liberty to both sides, since the actions of only one side was considered, creating more rights to one side than the other, a direct denial of liberty and equality.**

K. **Failure to grant liberty when that is the oath and responsibility of the courts, the United States Congress and our government of the people by the people.**

The courts in the previous case, Muzzi V Cimarron Software Services Inc et all, through their actions and written words violated the laws for what can only be assumed, since they failed in being candid except in defaming the Plaintiff, that the damage laws would not take into consideration the Plaintiffs actions. The Plaintiff although probably entitled to, did not sue for punitive damages in the initial case against Cimarron,

but was injured by these laws based on the written words of the judges.

When the One True God decide at the beginning that only the One True God could ever be perfect, and tired of never changing and in that moment created within the One True God the infinity that is time, by spreading and continually spreading substance of the One True God across the heavens and beyond all we know to exists and by placing and continually placing the One True God's ribs throughout the heavens as well, so that they may strive for eternity in the delusions of time for perfection that can only be obtained when one is returned back out of time to the One True God into perfection of the One True God that was, is and shall always be.

From this beginning to now we see the strive to create a more perfect union of rights, through liberty, justice, love, faith, truth and patience as our preamble states "A more perfect union". Unfortunately it took us this long to recognize the rights of all citizens within this country. We failed at first foot fall onto this land. But day by day we become better at that more perfect union. What allows our constitution to slowly bend back to its more perfect wording, is the laws and precedents made by our government. But we can not ignore completely our past wrongs nor deny our current responsibilities. For the tax laws that allow one person to be taxed at one percentage and another at another percentage are clearly unconstitutional unless the word "equity" in Article Three, Section 2, Clause 1 is used to balance out are more perfect union, by stating that the judges are to take into consideration the law and equity. As is also mentioned in the spirit of the constitution by its preamble of a more perfect union. So this word's weight is and should be used for the tax laws, since none would now

argue that we could do without a military, and we could barely afford one if all paid the same percentage of tax. And it should be used for addressing past wrongs by giving slight advantages today. But in areas were a person's Free Will directly contributed towards damages, but was not the entire cause for the damages, such actions should be taken into consideration when assessing and writing the damages laws. As the intentions of those involved should also be taken into consideration to the extent that our actions can speak about our intentions, as I presume the various levels of the murder laws that are established speak to. It would be far better for a judge to have to weight such factors than have to ignore the laws all together to get what they consider justice.

Summary of Argument

This courts supervisory power is required as Rule 10 states, because the lowers courts have directly and openly ignored the laws and precedents of this country. Without your authority exercised here the very basics, the building continually of the laws and precedents, will be undermined and left meaningless, so that the arbitrary will of judges for whatever motivates their agendas, will be the rule of law, regardless of what congress or this court does.

Since these courts and defendants continually through two court cases and multiply levels of courts have failed to uphold properly stated laws, these arguments have and will contain more logic, judicial and philosophical writings then relaying on laws which these courts refuse to uphold. If this is a problem we could argue about the law, but the defendants and courts refuse to argue that.

It seems ironic to read in the papers comments about peoples constitutional right to setup

their staff as they see fit. It would be more appropriate to first set the standards for which they can be expected to live up to, and then give them time to live up to or not to live up to these standards. This is liberty. Then to have the defendants here do all in their power to prevent any civil debate about the constitutionality of such actions is a bit much. Although it does say a mouthful about how our government approaches view points they don't agree with.

I only seek liberty and a chance to argue for it. For liberty is expectation, understanding these expectations and building on these expectations is why life exists here. This planet has given over millions of years the expectation of consistent weather, for us to evolve, to grow our crops and build our cities. It does not arbitrarily decide that today the temperature will be negative ten and tomorrow one hundred degrees. However if we mess up, natures job, which is to nurture all life here, nature will start to slowly become more extreme as we perceive it, but of course to nature, if the earth had weather like mars or extreme heat like on the moon when it faces the sun or extreme cold like on the moon when it faces away from the sun, it would still be acting in accord with nature. Nature will act out very slowly as its tight balance is attacked by our deeds, which expands the ranges of its consistency, causing more extremes until either those who are damaging it stop and bring its extremes back toward the norms or life eventually as we know it will get harder and harder. This planet is for all life, which means we have a right to live and make money and build our future but not to the extreme that only human beings can live here. Remember that the place with the most diverse forms of life on earth is a rain

forest, because its extremes are very narrow, very consistent, very liberated for the life that lives there. Is it really beyond the concept of most people that a corporation that creates its rules and regulations as it see fit could then be required to obey them, that they should arbitrarily deny them whenever they see fit would seem that creating them in the first place would be pointless. In addition it IS a contract between the employer and the employee. Agreeing to hire someone is a contract, a contract that is stated by the employer, I agree to define your work and the employee agrees to try to perform the given work. This case by no way would argue that an employer if their is no more work or money could not lay off a worker, but the initial contract to hire that employee must be honored in some fashion. Giving workers their liberty would honor such an agreement.

One more thing about the workers, bosses and elected officials. Bosses set the standards for which their employees are required to perform to keep their jobs. We the people do not elect kings, we elect managers, politicians and officials to set the standards with which those that work for our government should live up to as well as establish the laws that we shall live under.

Conclusion

PRAYER.

As the world leaders hold fast to their beliefs and direct us toward unknown-chaos and conflict, it seems appropriate to remember why we got here. It is in the little things that we take for granted that allow things to get so out of hand. For the treaties we sign and

break without consent of the other, give right to the North Koreans to do the same. It is in giving weapons of mass destruction to a leader who wants to use them, did use them, and now thinking we can take them back. It is helping your enemy or those that want to hurt you because they are your enemies', enemy, because you have forgotten they still want to hurt you, but underneath they are still your kin, still a rib of the One True God. It is in the person with nothing who seeks the little that falls from our tables, and has no path in our world to get a foot hold, except for a hand out. Would it not just be easier for the United Nations to acknowledge the borders of all its Nations and make law that protects them as is or the world power will be used to restore them. Would it not be easier for the United Nations to have a legal process for those peoples trapped without their own nation to legally challenge and at least get United Nations peace keepers comprised of their own people, of the other nation's people in conflict and some third party peace keepers to keep the peace and the laws of both nations and the United Nations while the dispute is resolved, for what ever time period this may occur, even it if be over generations. Could not laws that conflicted in this arrangement and area be resolved by the World Court or the United Nations. Would it not be easier to allow those of different political view points to freely petition the United Nations for their grievances to be heard, allowing all National consultants to be a place were such complaints could be made. Would it not be easier to acknowledge that all people have a right to some type of due process that filters up to the United Nations, even if it that process only documented their complaint. Would it not be easier for all Nations to accept that their laws they create are binding to all their peoples as they see

fit and that the World Court could uphold them as well, for when the governments forgets their purpose and try to hide from the people that they do not follow the laws, because they think their ends justify their deeds. Would it not be easier for the United Nation and the World Court to acknowledge that thou shall not kill civilians period or aid those that do, unless for self defense when their life is immediately threatened or those they protect, and hold people accountable to this unless at war, preferable one that is allowed by the United Nations or when a Nations people is immediately threatened lethally by another. Would it not be easier for all Nations to give back at least one percent of their land, water and resources back to the world nature preserves that consisted of each and every type of terrain, vegetation, animal, water way and habitat within that nation. Would what little a Nation gave up be not minute to what they would gain, could we not then at least be able to voice are concerns at the fate of others, argue about what should be law and weigh the percentages of how much we should give back to a world that has given us so much, for all we are given is only for tribute to the One True God. Does not a bird sing when no one is their, is not the One True God still their singing with the bird for the sake of singing. Is not even this singing of the bird tribute to the One True God, who would be so foolish as to think anything is more important, than what the One True God has created life to do, for all gifts and talents are from the One True God and all can use their talents in tribute of the One True God.

Also is it not from a judge that doesn't consider the law or precedent worth upholding in cases that he or she personally disagrees with. It is in the employees at an agency that doesn't agree with the law so they do

not uphold the law or do their job. For these reasons, when the fighting changes from what the law will be to who will or has to obey the law, this is when our history embarks on its darker days. It is this court's job as defined by the United States Constitution, a binding contract that you all have freely contracted to uphold, to be the One Supreme Court of this land, to make sure all laws and precedents are upheld to the best of your ability until the laws change as the people see fit. To do anything else would allow our nation to internally follow the path that the world seems to be going down. It is not a simple task but it is one you have freely accepted to perform, but fail to do, as your Rule 10 states which directly conflicts with the constitution Article VI, Clause 2 that binds all judges to all laws as this court upheld in M'CULLOCH v. STATE, 17 U.S. 316, 406 (1819)

Two thousand years ago a man walked among us and followed all laws, the One True God's laws, The One True God's law of Free Will, Scripture and Roman law until it meant his death by those laws. Jesus came to full fill all laws, not just those ones he personally agreed with. Is it asking to much of these courts to do the same. For if it is, than our next step that must be taken to bring peace to a tattered world shall be a long time off. For those oppressed in this world and those victimized by others inhumanity desire justice for their sorrows. Is it to much to ask of those that have the most to allow those that have the least a path, a legal process to formally direct their grievances to be heard by an impartial body and expect that the laws will be followed when they do. If we can't do it here how can we forge a path for the nations to resolve their conflicts between other nations, let alone those displaced by war. Were does the Israel get justice for their family members

murdered, were does the Palestinian get justice for their family members murdered, were do the Americans get justice for their family members murdered, were does the Tibetan get justice for their family members murdered, and unfortunately etc. If it is not in the law, our law, or the United Nation law, then it must be in war. Which is a path Jesus refused to take, Jesus followed the law as I will do, but can you expect as much from others, it seems I can't. In this day and age, it is perhaps time that we allow ourselves one thing to agree upon, that is following standing law. We can argue all we want on what will be law, but once established it is only the fool who will not follow it or be subject to its terms. Some cases seem so small to your daily work, but it is such little things left unresolved that lead us astray. For I doubt you are listening to my plea, so I shall continue this case to perhaps the United Nations or the World Court, because it seems the world considers it very important at least for Iraq to follow the laws, why would they be an exception? So I shall finish this case by making a formal complaint and suggestion to the United Nations and/or World Court with my views.

However the path we walk is not so easy for our deeds have caused us much harm, since we have forgotten that all life has a right to live life to the fullest as its God given abilities allow. The path we must walk is to not end up like the dinosaurs destroyed by nature's inevitable events or to destroy the planets ability to sustain life by seeking control over nature by all means. We are here to populate the heavens but not at the expense of any life that lives on this planet. But my words have no sway over such things, so nature has its God given job to do, and what can never be expressed in words can be expressed by nature, for who can win when another

loses? Who stands divided among themselves? Can I win if my deeds to get oil prevents my neighbor from growing the corn I eat? Can I win if my deeds to get corn prevent the fish from swimming in the sea? Can I win if my deeds to build houses destroy the very trees we need to breath? Can I win if my deeds allow my friends to win when others should have? Can I win if my deeds allow my to ignore the laws so I can have an advantage? Can I win if my deeds are to undermine the laws because I think I am right? Can I win if my deeds are to manipulate the laws by deceit to have may way regardless of the truth? As the courageous athletes in the special Olympics so eloquently stated a few years back, by holding hands and walking together across the finish line, there are some things that can not be won when another loses, is this not true in war? What about economics? Can the rich buy all the goods we want to sell? Can the deficit be left for our kids so we can live well today? So perhaps nature as it slips a little to the extremes will remind us that we need all life, since all life balances out our world, because one species alone can not create enough oxygen for all and breath it at the same time, nor do we have the time to cleanup our messes to the extant the ants do on our lawns. Some my think that they have lived past such worries for their deeds in one life time grants them eternity in peace or in pain, unfortunately none are so lucky or unlucky. Each rib of the One True God is responsibly to amend and restore the damages the intent of their actions have caused, for how many life times in takes. Each rib of the One True God will be rewarded with more gifts when they use the ones given to them at birth wisely. For even if you obtain all the riches in the world, it is still the One True God who will pick our parents according to our deeds and for our desires to be in

places were we can make changes for the better, the next time around. So for each species lost is it not more we have to do, do we even know what they do? Fortunately the One True God does. So perhaps we should be a little more careful with the One True God's creations and all the laws that Jesus so meticulously came to uphold and full fill, which were all laws, be it the One True God's law, the One True God's law of Free Will or man's law, Jesus accepted them and their consequences, can we not expect the same from others.

If my views and statements seem diverted from the sake of this petition, it is only because the law as it is written and upheld by these lower courts seems to make no difference to the judges that have heard my cases, therefore I rely on the argument I can make best. And if my words seem angry, remember even Jesus lost his temper once. If fact he trashed a temple and in his anger could not express what bothered him about those that sold goods there. For they sold their goods at what the buyer could afford, not what the product was worth and a standard mark up for the sellers troubles. Is this not one of the reasons that troubles our economies today, or the opposite, where companies give their product away for free, or under their own cost, to destroy their competition that must sell the same product at a profit to make a living. Is it so much to give back to your customers buy making a modest profit, perhaps a forty percent markup, instead of all that can be had. Is this not the same hear? Do judges disobey the laws because they can? And is this court so busy as to ignore such deeds? I think perhaps some judges have forgotten the difference between judgment and their rulings. True judgement comes from the One True God, who alone can judge the intentions of every action by any soul,

rib of the One True God, that is, was or shall every be, for only the One True God is thinking the same thoughts we do while we think them, so only the One True God can really know some ones intent. We only have the law, and judges and juries we allow to decide if another is in compliance with the laws or not. This is all we can do, and this is all are laws allow us to do. To do any more than this would be another parable of Jesus. For Jesus said if they eye offend they pluck it out least all of you shall suffer, but even Jesus would not do such a thing, even when his temper got the best of him and he used his hands to destroy the merchant's tables in the temple. So then how much harder would it be for the One True God to throw out any rib. How would you settle a dispute between your right hand and your left hand? Can the left cut off the right when it feels threatened by the right? Can the left hand completely ignore attacks against it from the right? How productive would you be if you had to restrain one forever? How could you teach one hand to cooperate with the other? And why is it that when two people meet as opposites their hands meet as one when they give each other a hand shake? I think it be almost inconceivable that the One True God can throw out any rib of the One True God, but only the One True God shall every real know for sure. For the One True God goes to great lengths to hide the judgement that is the One True God's job to do, do not the smallest slights we remember for far to long. How so much more would it be if we new for certain of the One True God's judgement. Could we let it go even after the One True God did. Look at how the words attributed to the One True God have been used through the centuries to kill and mane in god's name. Would not even one word proven to be spoken by the One True God cause more harm than good, by its

misinterpretations. How much more would it be if we could see the One True God's judgement. Such things are not for us, or judges. So I'll follow that actions of Jesus who complied with all laws even if it meant his death. And for the One True God's law I'll follow Jesus' words that said "Love they neighbor as they self and love the One True God above all else" and I also will follow the deeds of Jesus' life that spoke of the One True God's Law of Free Will, which all ribs of the One True God are given, and all life is a rib of the One True God. For Jesus never violated another's Free Will, even his miracles never violated another's Free Will. So unless our lives or those we protect are in immediate threat of loss of life thou shall not kill, least we would be killing ourselves. Is this not the same path our laws slowly take us down, that what does not violate another's free will is not a crime, or in other words if through deceit or force someone violates another's Free Will they have committed a crime and a sin that they are accountable to our laws and accountable to the intent of their actions under the judgement of the One True God. And is not Free Will given to all the One True God's ribs, but those we are in charge of protecting, like the animals, plants and are Children are given time to fully acquire and understand their own Free Will. For animals in the wild live off of their instinct to survive and can not as an animal understand the complexities that Free Will entails. Nor can our children until adulthood, which although argued in the law, should probably be left to the law.

But do not think the One True God's judgements and helping hands are hidden, for the One True God has watched and experienced with each and every rib from the time we were a blade of grass, to the time we complained as an old tree being chopped down, to this

very day. This is how well the One True God knows every rib. There is not anything anyone can do that is new to them that the One True God did not understand they would do based on knowing them and experiencing what they have been doing that led up to that. So for example take Cardinal Bernard Law, every time he signs his name he is asked to remember the law, which unfortunately he forgot. Or take for example, Dr. Martin Luther King, who came to remind us that the time for kings is past and that we should be treated as our actions dictate and nothing else. The One True God knowing both of these men, knew what environment they should be born in and have them in a place were their lives could make a difference, whether they succeeded or not. For we still all have Free Will and tomorrow is our choice. Just as a mother's Free Will and a child's Free Well can not be, even if dictated by law, ever be separate until birth. For could you tell them what to eat and how much sleep to get, could you force them by law to. These court even refuse to follow all the laws on the books now, could you handle such more laws as these. Even if modern medicine could remove the child, their is not enough people willing to adopt them, as indicated by the countless children who need adoption. Such subtle differences are how the One True God speaks to us. Even thou it is said, when two come together as one their is the One True God, is that not true in conception as well. For judgement is for the One True God, and our laws can not deny another's Free Will if it does not deny any one else's Free Will and abortion walks this line, differed to the Mother who's every action can not but effect the child, regardless of our laws, for the Child's Free Will is completely lost to the mother's Free Will till birth, based on the fact that the child's very organs and tissue are in and completely

dependant on the Mother's till birth and then Free Will is still not fully gained until adulthood. There are some things, like abortion that prove to us that judgement is not ours to make, for only the One True God can know without doubt the intent of another, we can only assume by another's actions, but this is only an assumption, so judgement should be left for the One True God, for this is the One True God's job, not ours. For ours is a very long journey, that each day starts anew, but can not be followed properly if truth can be ignored for any reason.

For all the above reasons, because the defendants have failed to provided their constitutional obligations to the Appellant, because the defendants have forgotten the word equity from the words that make their jobs legal, that obligates them to form a more perfect union by allowing the tax laws to be in in-equity by percentage as well as right other past wrongs. I respectfully request this court to reverse the dismissal judgement and granted frivolous motion, remained for further processing and or hear this so that all citizens of these United States can receive and give liberty, and so I can stop babbling and let nature do its job.

Respectfully submitted,

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